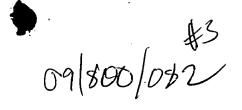


DIKE, BRONSTEIN, ROBERTS & CUSHMAN, LLP 130 Water Street Boston, Massachusetts 02109



Attorney's Docket No. 55675(551)

Page 1

## **DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed at 201) below or an original, first and joint inventor (if plural names are listed at 201-208 below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

OPTICAL DISK HAVING PITS OF DIFFERENT DEPTHS FORMED THEREIN, OPTICAL DISK REPRODUCING				
APPARATUS FOR	REPRODUCING THE OPTICAL DISK, AND METHOD OF TRACKING THE OPTICAL DISK			
which is described a	nd claimed in:			
	the specification attached hereto.			
. 🕱	the specification in U.S. Application Serial Number, filed on March 5, 2001			
	the specification in PCT international application Number, filed on; and was amended on			

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a). I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign/PCT Applications and Any Priority Claims Under 35 U.S.C. 119:					
Application No.	Filing Date	Country	Priority Claimed Under 35 U.S.C. 119?		
2000-059877(P)	March 6, 2000	Japan	<b>∑YES</b> □NO		
2000-077694(P)	March 21, 2000	Japan	<b>⊠YES</b> □NO		
			□YES □NO		
			□YES □NO		
			□YES □NO		
			□YES □NO		
			□YES □NO		

09/800,082

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose material information as defined in 37 CFR §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

	U.S. Application	ons	St	atus (Check	One)
Application Serial No. U.S. Filing Date			Patented	Pending	Abandoned
					У н
PC	T Applications Design	ating the U.S.			
Application No.	Filing Date	U.S. Serial No. Assigned			

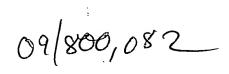
## CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) (35 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

Applicant	Provisional Application Number	Filing Date

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) with full powers of association, substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Sewall P. Bronstein	(Reg. No. 16,919)	Linda M. Buckley	(Reg. No. 31,003)	David S. Resnick	(Reg. No. 34,235)
David G. Conlin	(Reg. No. 27,026)	Ronald I. Eisenstein	(Reg. No. 30,628)	Peter F. Corless	(Reg. No. 33,860)
George W. Neuner	(Reg. No. 26,964)	Henry D. Pahl, Jr.	(Reg. No. 20,438)		
Ernest V. Linek	(Reg. No. 29,822)	Peter J. Manus	(Reg. No. 26,766)		



SEND CORRESPONDENCE TO:	SEND CORRE	SPOND	<b>ENCE</b>	TO:
-------------------------	------------	-------	-------------	-----

**DIRECT TELEPHONE CALLS TO:** 

Dike, Bronstein, Roberts & Cushman, LLP 130 Water Street Boston, Massachusetts 02109

(617) 523-3400

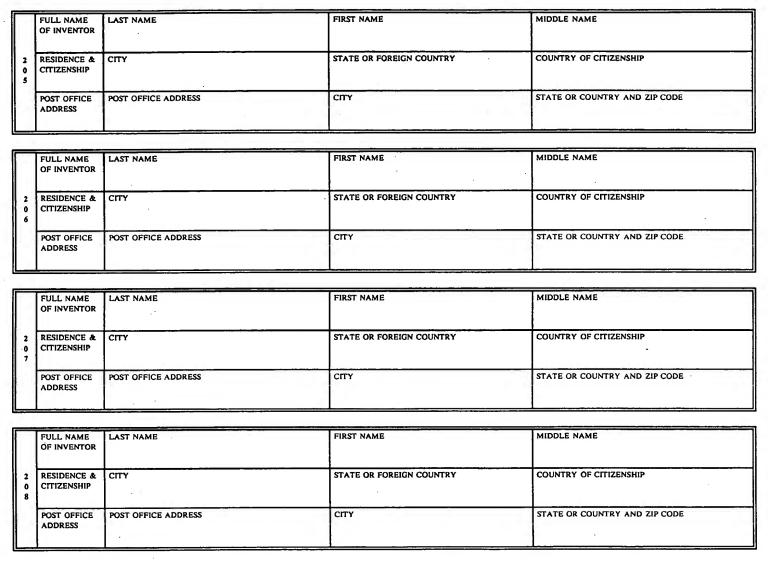
	FULL NAME OF INVENTOR	NAKAJIMA	Junsaku	MIDDLE NAME
2 0 1	RESIDENCE & CITIZENSHIP	спү Kashihara-shi	STATE OR FOREIGN COUNTRY  Nara, Japan	country of citizenship  Japan
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 432-23 Yamanobo-cho,	cmy Kashihara-shi,	state or country and zip code Nara, Japan

	FULL NAME OF INVENTOR	LAST NAME TAKEUCHI	FIRST NAME Hitoshi	MIDDLE NAME
2 0 2	RESIDENCE & CITIZENSHIP	спү Kitakatsuragi-gun	state or foreign country Nara, Japan	COUNTRY OF CITIZENSHIP  Japan
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 25-#501, Kataokadai, 3-chome, Kanmaki-cho	спу Kitakatsuragi-gun,	STATE OR COUNTRY AND ZIP CODE  Nara, Japan

	FULL NAME OF INVENTOR	LAST NAME NOMURA	FIRST NAME Masaru	MIDDLE NAME
2 0 3	RESIDENCE & CITIZENSHIP	cπγ Nabari-shi	STATE OR FOREIGN COUNTRY Mie, Japan	COUNTRY OF CITIZENSHIP  Japan
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 4-3-112, Kikyogaoka Nishi,	спу Nabari-shi,	STATE OR COUNTRY AND ZIP CODE  Mie, Japan

	FULL NAME OF INVENTOR	LAST NAME OHTA	FIRST NAME Kenji	MIDDLE NAME
2 0 4	RESIDENCE & CITIZENSHIP	cmy Kitakatsuragi-gun	STATE OR FOREIGN COUNTRY Nara, Japan	COUNTRY OF CITIZENSHIP ,  Japan
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 3-9-17, Hirosedai, Kawai-cho,	cπγ Kitakatsuragi-gun,	STATE OR COUNTRY AND ZIP CODE  Nara, Japan

09/800,082



I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature of Inventor 201	Signature of Inventor 202
Junsaku Nakajima	Hitoshi Takeuchi
Date:	Date:
March 28, 2001	March 28, 2001

09/800,082

Signature of Inventor 203 Masaru Nomura  March 28, 200 I  m. n.	Signature of Inventor 204  Wenny Onto
Date: March 28, 2001	Date: March 28, 2001
Signature of Inventor 205	Signature of Inventor 206
Date:	Date:
Signature of Inventor 207	Signature of Inventor 208
Date:	Date: